



1638/4  
Atty Dkt No. 2225-0001  
USSN: 09/502,426  
PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 4 June 2002

6/4/02 Susan LaMort  
Date Signature

RECEIVED

JUN 24 2002

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

AZPIROZ et al.

Serial No.: 09/502,426

Art Unit: 1638

Filing Date: February 11, 2000

Examiner: A. Mehta

Title: DWF4 POLYNUCLEOTIDES, POLYPEPTIDES AND USES THEREOF

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ORIGINALLY FILED

### AMENDMENT TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is an amendment in the above patent application in response to the Office Action of December 4, 2001.

- ☒ Petition for Extension of Time enclosed.
- ☒ No additional fee is required.
- ☒ Also enclosed: Version with Markings to Show Changes Made; Currently Pending Claims; Declarations of the Inventors; Printout of e-mails from GenBank and "The Plant Cell."; postcard

No. of Claims After Amendment	Most Claims Previously Paid	Extra Claims	Additional Fee
A. Total Claims	-	=	\$
B. Ind. Claims	-	=	\$
C. If amended to contain multiple dependent claims, add 280			\$

D. Total Amendment Fee (Total of A, B & C)	=	
E. If small entity, 50% reduction of Total Amendment Fee (50% of D)	=	
F. Total Amendment Fee (D minus E)	=	\$

X A check for \$ 460 to cover the extension of time fee is attached.

     Charge \$ to Deposit Account No. 18-1648.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: June 4/2002

By: Narinder S. Banait  
Narinder S. Banait  
Registration No. 43,482  
Attorney for Applicants

ROBINS & PASTERNAK LLP  
545 Middlefield Road, Suite 180  
Menlo Park, CA 94025  
Telephone: 650-325-7812  
Facsimile: 650-325-7823

Printout of emails from GenBank and "The Plant Cell"

**Narinder S. Banait**

**From:** "Tao Tao" <tao@ncbi.nlm.nih.gov>  
**To:** <nsb@robinslaw.com>  
**Cc:** <tao@ncbi.nlm.nih.gov>  
**Sent:** Wednesday, March 27, 2002 1:10 PM  
**Attach:** NoName.htm  
**Subject:** re: Deposit Date



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Dear Colleague,

I have enclosed some information below regarding the release date of the GenBank accession number about which you have inquired. Per our record, AF044216 was first release on March-6-1998.

GenBank collaborates with the EMBL database in Europe and the DDBJ database in Japan to produce and distribute the International DNA Sequence Databases. The International DNA Sequence Databases take no responsibility for making any determination of the priority issues for patent claims. We are able only to inform you, to the best of our knowledge, of the release date of the pertinent sequence into the public database. We appreciate your understanding and cooperation.

Regards,

Tao Tao  
GenBank User Services

----- Begin Forwarded Message -----

From: "Narinder S. Banait" <nsb@robinslaw.com>  
 To: <info@ncbi.nlm.nih.gov>  
 Subject: Deposit Date  
 Date: Wed, 27 Mar 2002 11:53:15 -0800  
 MIME-Version: 1.0  
 X-Priority: 3  
 X-MSMail-Priority: Normal  
 X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2600.0000  
 X-Virus-Scanned: by amavisd-milter ( <http://amavis.org/> )

Dear Sir:

Could you please provide me with the date on which AF044216 was added to the GenBank data base and/or the date on which the deposit became available to the public.

The URL for the sequence is given below.

[http://www.ncbi.nlm.nih.gov/entrez/viewer.fcgi?query\\_key=1&db=nucleotide&page=0&dispmax=20&WebEnv=v%40l%5E%3C%3FN%3C%3CF%3CN%3DeJaf%3FEIc%3Fa%3CCkeh%3F%60n%5Cg%5CB%3C%3DTahKDE%3CpdKaHB&WebEnvRq=1](http://www.ncbi.nlm.nih.gov/entrez/viewer.fcgi?query_key=1&db=nucleotide&page=0&dispmax=20&WebEnv=v%40l%5E%3C%3FN%3C%3CF%3CN%3DeJaf%3FEIc%3Fa%3CCkeh%3F%60n%5Cg%5CB%3C%3DTahKDE%3CpdKaHB&WebEnvRq=1)

04/25/2002

Thank you.

Sincerely  
Narinder

Narinder Banait  
Tel: (650) 325-7812  
Fax: (650) 325-7823  
email: nsb@robinslaw.com

----- End Forwarded Message -----

----- End Forwarded Message -----

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Dear Sir:

Could you please provide me with the date on which AF044216 was added to the GenBank data base and/or the date on which the deposit became available to the public.

The URL for the sequence is given below.

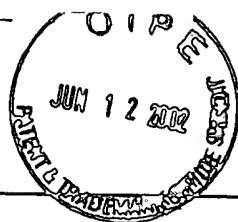
[http://www.ncbi.nlm.nih.gov/entrez/viewer.fcgi?query\\_key=1&db=nucleotide&page=0&dispmax=20&WebEnv=v%40l%5E%3C%3FN%3C%3CF%3CN%3DeJAf%3FEIc%3Fa%3CCkeh%3F%60n%5Cg%5CB%3C%3DTahKDE%3CpdKaHB&WebEnvRq=1](http://www.ncbi.nlm.nih.gov/entrez/viewer.fcgi?query_key=1&db=nucleotide&page=0&dispmax=20&WebEnv=v%40l%5E%3C%3FN%3C%3CF%3CN%3DeJAf%3FEIc%3Fa%3CCkeh%3F%60n%5Cg%5CB%3C%3DTahKDE%3CpdKaHB&WebEnvRq=1)

Thank you.

Sincerely  
Narinder

Narinder Banait  
Tel: (650) 325-7812  
Fax: (650) 325-7823  
email: nsb@robinslaw.com

04/25/2002



Narinder S. Banait

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JUN 24 2002

TECH CENTER 1600/2900

From: "Beth D. Staehle" <beths@aspb.org>  
To: "Narinder S. Banait" <nsb@robinslaw.com>  
Sent: Thursday, April 04, 2002 9:20 AM  
Subject: RE: Publication Date for 10(2) 1998

Dear Dr. Banait,

I apologize for the delayed response. The publication date for that issue is February 25, 1998.

Sincerely,  
Beth D. Staehle  
Managing Editor

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Beth Staehle  
Managing Editor                      Phone: 301-251-0560x121

*The Plant Cell*                      Fax: 301-279-2996  
15501 Monona Dr.                  E-mail: [beths@aspb.org](mailto:beths@aspb.org)  
Rockville, MD 20855-2768

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-----Original Message-----

From: Narinder S. Banait [<mailto:nsb@robinslaw.com>]  
Sent: Thursday, March 28, 2002 12:30 PM  
To: [beths@aspb.org](mailto:beths@aspb.org)  
Subject: Publication Date for 10(2) 1998

Dear Ms. Staehle:

Could you please provide the publication date and/or the date on which the February 1998 issue of The Plant Cell, Volume 10 was mailed to subscribers.

If I can provide you with any other information, please let me know. Thank you very much for your help.

Sincerely,  
Narinder

Narinder Banait  
Tel: (650) 325-7812  
Fax: (650) 325-7823  
email: [nsb@robinslaw.com](mailto:nsb@robinslaw.com)

04/25/2002

**Declaration of the Inventors**